

Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

AIR QUALITY PERMIT

Permittee Name: Union Underwear Company, Incorporated
Mailing Address: P.O. Box 90015 Bowling Green, Kentucky 42102

Source Name: Union Underwear Company, dba Fruit of the Loom, Inc.
Mailing Address: Fruit of the Loom Drive
Jamestown, Kentucky 42629

Source Location: Adjacent to Fruit of the Loom Drive, Jamestown

Permit Type: Federally-Enforceable
Review Type: Synthetic Minor, Title V

Permit Number: V-00-030
Log Number: 50697
Application Complete Date: February 1 1999

AFS Plant ID #: 21-207-00017
SIC Code: 2322

Region: South Central
County: Russell

Issuance Date: February 20, 2001
Expiration Date: February 20, 2006

John E. Hornback, Director
Division for Air Quality

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application which was determined to be complete on February 1 1999, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto, and shall become the final permit unless the U.S. EPA files an objection pursuant to Regulation 401 KAR 50:035, Section 21(3)

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

15 Coal – Fired Indirect Heat Exchanger

Description: **Vogt Boiler # 36103**

Spreader stoker, coal-fired unit equipped with mechanical collectors, incorporated with fly ash re-injection system

Particulate matter control: 99% Zurn baghouse

Sulfur dioxide control: 67% efficient custom designed scrubber

Continuous Rated Capacity: 74.3 mmBTU/hr

Construction: 1987

APPLICABLE REGULATIONS:

Regulation 401 KAR 59:015, New indirect fired heat exchangers, applicable to an emissions unit with a rated capacity less than 250 mmBTU/hr which commenced on or after April 9, 1972.

1. Operating Limitations:

The coal consumption shall not exceed 16,000 tons per year [self-imposed limit to preclude Regulation 401 KAR 51:017].

2. Emission Limitations:

- a. Pursuant to Regulation 401 KAR 59:015, Section 4(1)(c), particulate emissions shall not exceed 0.304 lb/mmBTU based on a three-hour-average.
- b. Pursuant to Regulation 401 KAR 59:015, Section 4(2), emissions shall not exceed 20% opacity based on a six minute average, except that a maximum of 40% opacity, based on a six minute average, shall be permissible for not more than 6 consecutive minutes in any consecutive 60 minutes during cleaning the fire-box or blowing soot.
- c. Sulfur dioxide emissions shall not exceed 1.2 lb/mmBTU and 249 tons/yr. The allowable has been set below requirements of 59:015 so as to preclude PSD applicability.
- d. The annual emission and coal usage limits listed shall be based on emissions and coal usage during any consecutive twelve (12) month period

3. Testing Requirements:

- a. Pursuant to Regulation 401 KAR 59:015, Section 8, particulate, sulfur dioxide and visible emission limitations specified herein shall be measured by EPA Reference Methods 5,6 and 9 respectively, federal regulation 40 CFR 60, Appendix A.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

- a. The permittee shall conduct at least one performance test for particulate emissions within six months following the issuance of the final permit.
- b. The permittee shall determine the opacity emissions from the stack by EPA reference method 9 annually or more frequently if requested by the division.

4. Specific Monitoring Requirements:

- a. Emissions of sulfur dioxide shall be calculated each month using emission factors, fuel usage rates, and average fuel sulfur heat content.
- b. The permittee shall monitor the amount of fuel combusted on a daily basis.
- c. Waste water scrubbing liquid flow rate (inlet) shall be greater than 400 gallons per minute on a 24 hour average
- d. Scrubber inlet liquid pH shall be greater than 9 on a 24-hour average.

5. Specific Recordkeeping Requirements:

- a. Pursuant to Regulation 401 KAR 50:035, records including those documenting the results of each compliance test, shall be maintained for five (5) years.
- b. Pursuant to Regulation 401 KAR 59:005, Section 3(2), the permittee shall maintain records of occurrence and duration of startup, shutdown or malfunction of the air pollution control equipment.
- c. Records of coal fuel supplier certification of sulfur content for each shipment shall be maintained.
- d. Records of the amount of coal fuel burned shall be maintained on a daily basis.

6. Specific Reporting Requirements:

See Section F, Conditions 5, 6, 7, 8, and 9

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

7. Specific Control Equipment Operating Conditions:

- a. Scrubber with the use of lime slurry with a venturi quenching section shall be operated as necessary to maintain compliance with permitted emission limitations, in accordance with the manufacturer's specifications and/or standard operation practices.
- b. Records regarding the maintenance of the control equipment shall be maintained.
- c. See Section E of the general conditions for additional requirements.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

16 Residual No 6 Oil -Fired Indirect Heat Exchanger

Description: Keeler NB # 5425

Standby Boiler, Fuel Heated to 190 degree F and pumped into Boiler

Controls: None

Rated Capacity: 60 mmBTU/hr

Constructed: 1981

APPLICABLE REGULATIONS:

Regulation 401 KAR 59:015, New indirect fired heat exchangers, applicable to an emissions unit with a rated capacity less than 250 mmBTU/hr which commenced on or after April 9, 1972.

1. Operating Limitations:

NA

2. Emission Limitations:

- a. Pursuant to Regulation 401 KAR 59:015, Section 4(1)(c), particulate emissions shall not exceed 0.367 lb/mmBTU based on a three-hour-average. Allowable particulate standard limitation may be calculated using the equation in 401 KAR 59:015 Section 4 (PM Emission Limit Rate = $0.9634 \times 60^{-0.2356}$)
- b. Pursuant to Regulation 401 KAR 59:015, Section 4(2), emissions shall not exceed 20% opacity based on a six minute average, except that a maximum of 40% opacity, based on a six minute average, shall be permissible for not more than 6 consecutive minutes in any consecutive 60 minutes during cleaning the fire-box or blowing soot
- c. Pursuant to Regulation 401 KAR 59:015, Section 5(1)(c), sulfur dioxide emissions shall not exceed 1.44 lb/mmBTU and 249 tons/yr [set to preclude 51:017 applicability].
- d. Residual Oil (#6 bunker fuel) shall not exceed 2,319,437 gallons per year
- e. Compliance with annual emissions limitations imposed pursuant to 401 KAR 50:035, Section 7(1), and contained in this permit, shall be based on emissions for any twelve (12), consecutive months.

3. Testing Requirements:

The permittee shall determine the opacity emissions from the stack by EPA reference method 9 annually or more frequently if requested by the division.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

4. Specific Monitoring Requirements:

- a. The fuel supplier certification shall include the name of the oil supplier and a statement from the oil supplier that the oil complies with the specifications under the definition of # 6 fuel oil as specified in the regulation.
- b. Emissions of sulfur dioxide shall be calculated each month using emission factors, fuel usage rates, average fuel sulfur content and heat.
- c. The permittee shall monitor the amount of fuel combusted on a daily basis.

5. Specific Recordkeeping Requirements:

- a. Record of fuel burned shall be maintained on a daily basis.
- b. Record of fuel oil supplier certification of sulfur content and heat content for each shipment shall be maintained.

6. Specific Reporting Requirements:

- a. The permittee shall submit quarterly reports including the fuel supplier certification and a certified statement signed by the owner or operator of the affected facility that the records of the fuel supplier certifications submitted represent the fuel oil combusted during that quarter to the Kentucky Division for Air Quality London Regional Office.
- b. See Section F

7. Specific Control Equipment Operating Conditions:

See Section E.

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Coal Handling System: 24,000 tpy	401 KAR 59:010
2. Ash Handling System: 1,700 tpy	401 KAR 59:010
3. Cloth Dryer (7) 45,000 tpy Cloth	401 KAR 59:010
4. Bleach Range (2) 18,000 tpy Cloth	401 KAR 63:022
5. Color Mix Tanks (48) 150 Gallons	401 KAR 63:022
6. Dye Becks (24) 42,000 tpy Cloth	401 KAR 63:022
7. Pads (7) 61,320 tpy Cloth	401 KAR 59:010
8. Finishers (12) 58,000 tpy Cloth	401 KAR 59:010
9. Nappers (6) 16,000 tpy Cloth	401 KAR 59:010
10. Hydrogen Peroxide Tank 10,000 Gallons	401 KAR 63:022
2. Acetic Acid Tank 14,000 Gallons	401 KAR 63:022
3. Brine Tank 14,000 Gallons	NA
4. Softener Tank 5,500 Gallons	401 KAR 63:022
5. Wetout 8,000 Gallons	401 KAR 63:022
6. Untralube 36 UWS 10,000 Gallons	401 KAR 63:022
7. Calgon 6,000 Gallons	NA
8. No. 6 Fuel Tank 108,000 Gallons	NA
9. Part Washer (3) 4,000 GPY	NA

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. Emission factor of 1.2 lb/mmBTU is set for coal below the requirement of Regulation 401 KAR 59:015 to establish a ceiling on annual emissions of regulated air pollutants not to equal or exceed 250 tons per year so as to preclude PSD applicability.
2. Fuel usage for the boiler shall not exceed 16,000 tons per year for the coal and 2,319,437 gallons per year for the residual (No. 6) fuel oil respectively.
3. Emissions for sulfur dioxide shall not exceed 249 tons per year for coal and No. 6 fuel burning.
4. Compliance with annual emissions and processing limitations imposed pursuant to 401 KAR 50:035, Section 7(1)(a), and contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
2. Particulate emission from the indirect heat exchanger will be controlled by a bag-house with a proposed efficiency of 99 %. Sulfur dioxide emissions will be controlled by a wet scrubber with a minimum proposed efficiency of 67 %. This scrubber will utilize the plant's wastewater containing dye and bleach from the processing fabric. Mist eliminators will be provided in the wet scrubber to minimize moisture carryout.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements.
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 50:035, Permits, Section 7(1)(d)2 and 401 KAR 50:035, Permits, Section 7(2)(c)]
3. In accordance with the requirements of Regulation 401 KAR 50:035, Permits, Section 7(2)(c) the permittee shall allow the Cabinet or authorized representatives to perform the following:
 - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
 - b. Have access to and copy, at reasonable times, any records required by the permit:
 - i. During normal office hours, and
 - ii. During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
 - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
 - i. During all hours of operation at the source,
 - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii. During an emergency; and
 - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
 - i. During all hours of operation at the source,
 - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii. During an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may

constitute grounds for permit revocation and assessment of civil penalties.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the division's London Regional Office at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

The reports are due within 30 days after the end of each six month reporting period that commences on the initial issuance date of this permit. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of Regulation 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.

6. a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's London Regional Office concerning startups, shutdowns, or malfunctions as follows:
1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
- b. In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by general condition 6 a. above) to the Division for Air Quality's London Regional Office within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by general condition F.5.
7. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date or by January 30th of each year if calendar year reporting is approved by the regional office, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's London Regional Office and the U.S. EPA

in accordance with the following requirements:

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- a. Identification of each term or condition of the permit that is the basis of the certification;
- b. The compliance status regarding each term or condition of the permit;
- c. Whether compliance was continuous or intermittent; and
- d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
- e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
- f. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date, or by January 30th of each year if calendar year reporting is approved by the regional office. **Annual compliance certifications should be mailed to the following addresses:**

**Division for Air Quality
London Regional Office
875 S. Main Street
London, KY 40741**

**U.S. EPA Region IV
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960**

**Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601**

- 8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.
- 9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G - GENERAL CONDITIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and for federally enforceable permits is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c);
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Re-openings shall be made as expeditiously as practicable. Re-openings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the division, in writing, information that the division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. [401 KAR 50:035, Permits, Section 7(2)(b)3e and 401 KAR 50:035, Permits, Section 7(3)(j)]
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority.

SECTION G - GENERAL CONDITIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 50:035, Permits, Section 7(3)(k)]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [401 KAR 50:035, Permits, Section 7(3)(e)]
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6). [401 KAR 50:035, Permits, Section 7(3)(h)]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 50:035, Permits, Section 8(3)(b)]
11. This permit shall not convey property rights or exclusive privileges. [401 KAR 50:035, Permits, Section 7 (3)(g)]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 50:035, Permits, Section 7(2)(b)5]
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 50:035, Permits, Section 8(3)(a)]
15. Pursuant to Section VII 2.(1) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), at least one month prior to the date of the required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the division's London Regional Office. Pursuant to 401 KAR 50:045, Section 5, the division shall be notified of the actual test date at least ten (10) days prior to the test.

SECTION G - GENERAL CONDITIONS (CONTINUED)

16 Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.

17. All previously issued construction and operating permits are hereby subsumed into this permit.

(b) Permit Expiration and Reapplication Requirements

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division. [401 KAR 50:035, Permits, Section 12]

(c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.

2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

(e) Acid Rain Program Requirements

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

SECTION G - GENERAL CONDITIONS (CONTINUED)

(f) Emergency Provisions

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - d. The permittee notified the division as promptly as possible and submitted written notice of the emergency to the division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e)2, and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 50:035, Permits, Section 9(3)]

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:
RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346
2. If requested, submit additional relevant information by the division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:

SECTION G - GENERAL CONDITIONS (CONTINUED)

- a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

SECTION H - ALTERNATE OPERATING SCENARIOS

N/A

SECTION I - COMPLIANCE SCHEDULE

None